

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.319 of 2014

ORDER:

This petition is filed to transfer I.D.O.P.No.52 of 2014 from the file of Principal District Judge, Chittoor, to the Family Court-cum-VI Additional District Judge, Nellore, to be tried along with F.C.O.P.No.148 of 2013.

2. Wife filed this petition and she filed her affidavit, according to which, their marriage was performed on 01.11.2007 at Nellore and respondent-husband was working as a teacher in Chittoor District at that time. She stated that due to differences they are living separately and she filed F.C.O.P.No.148 of 2013 before Family Court, Nellore, for restitution of conjugal rights, whereas husband filed O.P. for divorce at Chittoor. It is stated that both the cases have to be tried by one Court and by considering her convenience, she prayed for transfer of O.P. pending before Chittoor Court to Nellore Court.

3. Respondent in spite of service of notice neither appeared in person nor through any Advocate.

4. Heard arguments.

5. Advocate for petitioner submitted that the O.P. filed by wife for restitution of conjugal rights and O.P. filed by husband for divorce have to be tried by one Court to avoid conflicting findings and decisions and as the wife is resident of Nellore, considering her convenience O.P. filed by husband may be transferred to Family Court, Nellore.

6. Considering the reasons stated in the affidavit and also considering the fact that both the O.Ps. have to be tried by one Court, I.D.O.P.No.52 of 2014 is withdrawn from Principal District Judge, Chittoor, and transferred to Family Court-cum-VI Additional District Judge, Nellore, to be tried along with F.C.O.P.No.148 of 2013.

7. Transfer C.M.P. is ordered, accordingly. No costs.

8. Miscellaneous Petitions, if any, shall stand dismissed.

S. RAVI KUMAR, J

22nd January 2015.

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